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ACTION L-03

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E.O. 11652: N/A

TAGS: ETRD, EIND, HA

SUBJ: DUPONT CARIBBEAN

REF: P-AU-P 1567

1. APPEALS COURT OPENED DUPONT CARIBBEAN INC. (DCI) APPEAL HEARING MORNING OF DECEMBER 10. EMBOFF ATTENDED AS OBSERVER. GOH ATTORNEY JEAN-JACQUES MADE IMMEDIATE OBJECTION RE DCI ATTORNEY MERCERON'S FILING PROCEDURE. MERCERON FILED APPEAL THROUGH CIVIL COURT BAILIFF RATHER THAN APPEALS COURT BAILIFF.

2. JEAN-JACQUES CONTENDED THAT SUCH BREACH OF PROCEDURE RENDERED APPEAL VOID, BUT MERCERON QUOTED HAITIAN LEGAL CODE TO THE EFFECT THAT IMPROPER PROCEDURE IS RELEVANT ONLY IF SUCH PROCEDURE CAN BE SHOWN TO HAVE PREJUDICED THE OPPONENT'S CASE. JUDGE MADE NO IMMEDIATE RULING ON THE QUESTION, AND MERCERON PROCEEDED TO PRESENT DCI'S CASE. COURT WAS ADJOURNED BEFORE PLEADINGS WERE COMPLETED, AND MERCERON INTENDS TO COMPLETE HIS CASE MONDAY, DECEMBER 17.

3. JUDGE APPARENTLY INTENDS TO RULE ON OBJECTION RE FILING PROCEDURE WHEN HE RENDERS FINAL DECISION AFTER HEARING ALL ARGUMENTS. IF APPEAL IS RENDERED INVALID, DCI MAY NOT REFILE, AS MORE THAN THIRTY DAYS HAVE EXPIRED

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SINCE ORIGINAL JUDGMENT. DCI'S ONLY ALTERNATIVE WOULD

BE TO APPEAL RULING ON THAT POINT TO SUPREME COURT.
HOWEVER, IF JUDGE'S RULING ON PROCEDURE OBJECTION FAVORABLE
TO DCI, GOH ALSO MAY APPEAL.

4. DON PIERSON OF DCI TELEPHONED EMBOFF SAME AFTERNOON.
EMBOFF INFORMED PIERSON OF HEARING AND OF GOH OBJECTION
TO FILING PROCEDURE, AND SUGGESTED THAT PIERSON CONTACT
HIS ATTORNEY FOR INTERPRETATION OF LEGAL QUESTIONS
INVOLVED. EMBOFF PROMISED TO CONTINUE TO FOLLOW
DEVELOPMENTS IN CASE.
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